

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

| | | |
|------------------------------------------------|---|-------------------------|
| Bilal A. Al-Haqq, |) | C/A No. 2:17-cv-535-DCC |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | ORDER |
| A.W. Dean, Major Chavalus, Capt. Pat, Capt. |) | |
| Coleman, Capt. Commander, Lt. Redding, Sgt. |) | |
| Canty, Ofc. Graham, Ofc. Pressley, Ofc. Ragan, |) | |
| Ofc. Kennedy, Dr. Alden, Dr. Lemon, |) | |
| Defendants. | | |

This matter is before the Court on Plaintiff's Complaint alleging violations of civil rights pursuant to 42 U.S.C. § 1983. ECF No. 1. Defendants A.W. Dean, Major Chavalus, Capt. Pat, Capt. Coleman, Capt. Commander, Lt. Redding, Sgt. Canty, Ofc. Graham, Ofc. Pressley, Ofc. Ragan, Ofc. Kennedy, and Dr. Alden filed a Motion for Summary Judgment.¹ ECF No. 38. A *Roseboro* order was entered by the Court and mailed to Plaintiff, advising Plaintiff of the importance of a dispositive motion and the need for Plaintiff to file an adequate response. ECF No. 40. Plaintiff filed a Response in Opposition to the Motion for Summary Judgment.² ECF No. 64. This Motion is now ripe for resolution.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), this

¹Dr. Lemon was previously dismissed by an Order dated December 21, 2017. ECF No. 74.

²The Magistrate notes that it is unclear whether Plaintiff's filing was only responsive to a previously ruled upon Motion to Dismiss or if it was intended as a Response to the Motion to Dismiss and the pending Motion for Summary Judgment. The recommendation of the Magistrate is made on the merits of the Motion for Summary Judgment.

matter was referred to United States Magistrate Judge Mary Gordon Baker for pre-trial proceedings and a Report and Recommendation (“Report”). On January 24, 2018, the Magistrate Judge issued a Report recommending that the Motion for Summary Judgment be granted. ECF No. 77. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff has filed no objections, and the time to do so has passed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

After considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and agrees with the Report’s recommendation that the Motion for Summary Judgment be granted. Accordingly, the Court adopts the Report by reference in this Order. Defendants A.W. Dean, Major Chavalus, Capt. Pat, Capt. Coleman, Capt. Commander, Lt.

Redding, Sgt. Canty, Ofc. Graham, Ofc. Pressley, Ofc. Ragan, Ofc. Kennedy, and Dr. Alden's
Motion for Summary Judgment [38] is **GRANTED**.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.
United States District Judge

February 15, 2017
Spartanburg, South Carolina